

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JILL ALTMAN, individually and on)	
behalf of a class,)	
)	
Plaintiff,)	Civil Action No.:
)	1:15-cv-02451-SCJ-CMS
)	
vs.)	
)	
WHITE HOUSE BLACK MARKET,)	
INC., and DOES 1-10,)	
)	
Defendants.)	

JOINT MOTION TO AMEND SCHEDULING ORDER

Plaintiff, Jill Altman (“Plaintiff”), and Defendant, White House Black Market, Inc. (“WHBM”) (collectively, the “Movants”), pursuant to Fed. R. Civ. P. 6(b) and 16(b)(4), and make this Motion before the Court to amend the scheduling order in this action. As grounds for this motion, Movants state as follows:

1. Pursuant to the scheduling order entered on September 20, 2017 (Doc. 95), discovery is currently set to close on December 13, 2017, the deadline to hold a settlement conference is currently January 10, 2018, and the deadline for filing motions for summary judgment is currently January 12, 2018.

2. The parties request that the above deadlines be extended by approximately 45 days because despite their diligent efforts, additional time is

needed to complete discovery. On October 15, 2017, after the parties conferred with this Court to resolve issues concerning the need for WHBM to produce its custodians' emails, WHBM produced more than 55,000 pages of emails and related documents. This more than quadrupled the number of pages of documents WHBM had produced in the case.

3. Plaintiff has worked expeditiously to try to analyze the email material to identify and engage WHBM on issues concerning the production, identify witnesses and subject matter for depositions, and conduct depositions. To that end, Plaintiff conducted three depositions between November 3, 2017, and November 16, 2017, including two extensive Rule 30(b)(6) depositions in Fort Myers, Florida. In addition, Plaintiff has scheduled two more depositions to take place in Fort Myers on November 30, 2017, plus a non-party deposition to take place there on December 6, 2017.

4. Despite these efforts, additional time is needed resolve all outstanding discovery. The extensive email production and depositions have raised a number of issues that the parties are working to try to resolve. These include supplementing the 30(b)(6) depositions as Plaintiff contends that the witnesses were not able to sufficiently address some of the Rule 30(b)(6) topics, the redaction of certain documents in the email production, WHBM's response to Plaintiff's latest request

for documents (response produced November 13, 2017), the production of additional documents identified in the depositions, and taking additional depositions based on what was learned in the email production and the depositions themselves. In addition, WHBM recently disclosed a Rule 26(a)(2) expert, Joel Lisker, who Plaintiff also needs to depose. This work will be very difficult if not impossible to schedule and complete under the current December 13th discovery cutoff, particularly for document issues the parties may need to bring to the Court for resolution if their efforts to resolve them by agreement are unsuccessful.

5. To allow sufficient time for the parties to work together to try to resolve the document issues and complete the depositions, and further given the upcoming holidays, the parties hereby jointly request to extend the discovery cutoff to January 29, 2018. This request is fully consistent with the parties' most-recent discussion with the Court concerning WHBM's then forthcoming email production, in which Plaintiff expressed concern that schedule might be too tight depending on what the production contained (which Plaintiff had not seen when the December 13, 2017 cutoff was set), and for which the Court invited the parties to return to request additional time if needed.

6. The requested extension will cause no undue delay, as the parties are currently briefing WHBM's objection to the Report and Recommendation ("R&R") regarding class certification (Plaintiff's response is due December 1, 2017).

7. For the foregoing reasons, good cause exists to extend the deadline to complete discovery, as well as to hold a settlement conference (set for January 10, 2018), and file any motions for summary judgment (set for January 12, 2018).

WHEREFORE, the Movants respectfully request that the Court enter an Order amending the existing scheduling order as follows:

- a. Discovery to close on January 29, 2018.
- b. The deadline to hold a settlement conference to be moved to February 26, 2018.
- c. The deadline to file motions for summary judgment to be moved to February 28, 2018, with responses due March 28, 2018, and replies due April 17, 2018.

Respectfully submitted this 28th day of November, 2017.

Respectfully submitted,

Justin T. Holcombe

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CERTIFICATE OF COMPLIANCE

The undersigned certifies that 14-point Times New Roman was used for this document and that it has been formatted in compliance with Local Rule 5.1.

DATED: November 28, 2017

/s Michael S. Hilicki

Michael S. Hilicki